

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

JUN 09 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DIRK HUSEMANN
and
MICHAEL MOSER

Application 09/613,113

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on May 9, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that Information Disclosure Statements (IDSs) were filed on February 6, 2004 and August 23, 2004. It is not apparent from the record whether the examiner considered the statement submitted or notified appellants of why their submissions did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for consideration of the IDSs filed February 6, 2004 and August 23, 2004;
- 2) for appropriate notification to appellants regarding the Primary Examiner's decision;
- and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


DALE M SHAW
Deputy Chief Appeal Administrator
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DMS:psb

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